

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Monday, August 11, 2008 – 9:00 a.m. – Room C415 State Capitol

Members Present:

Sen. Howard A. Stephenson, Senate Chair
Sen. Gene Davis
Sen. Mark B. Madsen
Sen. Michael G. Waddoups
Rep. James R. Gowans
Rep. Kory M. Holdaway
Rep. Carol Spackman Moss
Rep. Merlynn T. Newbold

Members Excused:

Rep. Ben C. Ferry, House Chair
Sen. Mike Dmitrich

Staff Present:

Mr. Arthur L. Hunsaker, Policy Analyst
Ms. Susan Creager Allred, Associate General Counsel
Ms. Tracey Fredman, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Stephenson called the meeting to order at 9:20 a.m. and excused Rep. Ferry from the meeting.

MOTION: Sen. Davis moved to approve the minutes of the June 4 and July 28, 2008 meetings. The motion passed unanimously. Rep. Moss was absent for the vote.

2. Update: State Board of Regents' Implementation of 2008 General Session S.B. 180, "Regents' Scholarship Program"

Mr. David L. Buhler, Interim Commissioner of Higher Education, distributed and commented on "Data and Projections for Regents' Scholarship Awards Class of 2008." Mr. Buhler said that the proposed rule has been amended so that consideration for the scholarship will include credit for AP (Advanced Placement) courses and tests completed during grades 9-12.

Mr. Buhler said that the implementation of the amendment will not be made for scholarships for FY 2008-2009 due to lack of funding and in fairness to students who complied with the current process.

Senator Lyle W. Hillyard discussed the usefulness of the scholarship in making higher education more competitive in other states. Sen. Hillyard discussed the intent of the 2008 General Session S.B. 180, "Regents' Scholarship Program," which he sponsored, spoke in support of the decision which the State Board of Regents reported, and responded to questions from the Committee.

Sen. Stephenson expressed concern that the process for FY 2008-2009 is not fair to students who completed courses of study prior to their senior year.

Mr. David Doty, Assistant Commissioner, Utah System of Higher Education, responded to questions from the Committee regarding funding issues, the appeals process, and exemptions that may be granted during the 2008-2009 academic year.

Dr. Mike Jones, father of a Regents' Scholarship applicant, spoke in support of students who are being penalized this year for having excelled in school prior to the announcement of the scholarship.

3. Criminal Penalty Statutes of the Health and Insurance Departments

Mr. Hunsaker distributed "Utah Sentencing Commission - Penalties and Definitions," "Criminal Penalty Statutes - Health Department," and "Criminal Penalty Statutes - Insurance Department."

Mr. Doug Springmeyer, Assistant Attorney General, Department of Health, said that the department will propose language that repeals the department's authority to establish criminal penalties by rule.

Mr. Hunsaker reported that a file has been opened by Rep. Ferry.

Mr. Neal Gooch, Deputy Commissioner, Department of Insurance, said that the department would support the removal of the word "rule" from Utah Code Section 31A-2-308 so that it no longer has authority to establish a criminal penalty by rule.

4. Impact of 2008 General Session Recodification Legislation

Mr. Ken Hansen, Director, Division of Administrative Rules, said that the recodification legislation has had a significant impact on administrative rules. He reported that almost half of the rules affected by the recodification have been updated as required.

5. Committee Business

Future meetings were scheduled for September 9, and September 22, 2008.

6. Adjourn

Chair Stephenson Ferry adjourned the meeting at 10:45 a.m.